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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,909	11/16/2000	Peter Mathieson Craig	SMB-2-0905	4960

7590 06/03/2004

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

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DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713909

Applicant(s)

Craig

Examiner

J. Chiang

Group Art Unit

2642

11

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Reply + Declaration (131) filed on 3/24/04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-11 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tharp et al. (US 6174190).

Regarding claims 1-2, Tharp shows:

Male and female connectors (5, 18);

The male connector (5) having a main body (12) and a tongue (16);

The female connector (18) having a groove (for 5);

The tongue (16) having shoulder means (24) contacting with abutment means (col. 3, lines 42-44) in the female connector (18);

An actuator (55) having an attachment portion (94) and an operative portion (90-92), the operative portion (90) extends adjacent the tongue (16) and projects out (see 92) of the recess far enough to be manipulated so as to move the tongue (16) to break contact between the shoulder means (24) and the abutment means (col. 3, lines 42-44).

Regarding claims 3-11, Tharp shows:

The attachment portion (94) which is substantially rectangular;

The operative portion is a strap (90-92);

the actuator is lodged onto the abutment means of the female connector (see 90 which is inside the female connector 18 in fig. 8);

and the material for this type of actuator housing is a personal preference as long as it can carry out the its function.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuji et al. (US 5330366).

Regarding claims 1-2, Tsuji shows:

Male and female connectors (B, A);

The male connector (B) having a main body (body B) and a tongue (12);

The female connector (A) having a groove (between 1 and 4);

The tongue (12) having shoulder means (see 14) contacting with abutment means (5) in the female connector (A);

An actuator (C) having an attachment portion (6, 8, 11) and an operative portion (7), the operative portion (7) extends adjacent the tongue (12) and projects out (see fig. 6) of the recess far enough to be manipulated so as to move the tongue (12) to break contact between the shoulder means (14) and the abutment means (5).

Regarding claims 3-11, Tsuji shows:

The attachment portion (see 6) which is substantially rectangular;

The operative portion is a strap (7);

the actuator (C) is lodged onto the abutment means of the female connector (see fig. 6);

and the material for this type of actuator housing is a personal preference as long as it can carry out the its function.

ARGUMENT

4. In response to the REPLY and the 131 DECLARATION filed on 03-24-04, the Declaration is defective because the evidence for conception is insufficient as the materials in Exhibit A is less than half of the disclosure of the present application.

Further, the showing of due diligence is insufficient because it requires due diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application. First, Exhibit A is less than half of the disclosure of the present application. Second, between June 15, 1999 and November 16, 1999, there is nothing shown how applicant came up with the full text of the present application, there is also nothing shown between the time of November 16, 1999 and November 16, 2000 (the filing of the application). Therefore, it does not meet the requirement of "due diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application".


In conclusion, the 131 Declaration is defective.

This office action is made non-final because additional reference was found.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Jack Chiang
Primary Examiner
Art Unit 2642